IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 547 of 2005

Between:

Sykam Koteshwar Rao, S/o. Raghavaiah,
R/o. H.No.6/70, Chinpuram Village Bandar Mandal,
Krishna District.

..... PETITIONER

AND

1 The Superintendent of Police, Krishna, at Machilipatnam.
2 Sri Nanchariah, Asst. Sub Inspector of Police (2074)
Taluka Police Station (Rural), Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ or direction preferably writ of mandamus declaring the inaction of the respondent No.1 in taking appropriate action on the representation/complaint dt. 23.11.2004 against the 2nd respondent is as illegal, arbitrary, and violative of principles of natural justice and consequently direct the 1st respondent to take appropriate action on my representation and to provide protection to the petitioner, and pass such other or further orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The petitioner states that he has been harassed and ill-treated by the Asst. Sub-Inspector of police, Taluk Police Station (Rural), Machilipatnam, the second respondent. He submitted a complaint dated 23.11.2004 to the first respondent against the second respondent. His grievance is that the first respondent has not taken any action so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

Having regard to the seriousness of the allegations in the matter, this Court passed an order dated 02.02.2005 directing the first respondent to conduct an enquiry into the matter and file a report before this Court. In compliance with the same, the first respondent submitted his report dated 19.02.2005. He has examined as many as six persons cutting across all sections of the society in the village. The report submitted by the first respondent discloses that the petitioner is in the habit of making such complaints against police officers to cover up his misdeeds. The first respondent has also stated that he made confidential enquiries about the conduct of the second respondent. It is stated

that there are no remarks through out his service. In that view of the mater, this Court is not inclined to grant any relief to the petitioner. However, to ensure fairness in the case, it is directed that the second respondent shall not be associated with any investigation into the crimes alleged against the petitioner.

The writ petition is accordingly closed. There shall be no order as to costs.

21.02.2005

ksld

To

1 The Superintendent of Police, Krishna, at Machilipatnam.
2 Sri Nanchariah, Asst. Sub Inspector of Police (2074)
Taluka Police Station (Rural), Machilipatnam, Krishna District.

3 Two C.Cs. to the Government Pleader for Home, High Court of A.P.,

Hyderabad, (OUT).

4 Two C.D. Copies.